

No. 19-1205

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

**AMERICAN EAGLE PROTECTIVE SERVICES CORPORATION
and PARAGON SYSTEMS, INC.,**

Respondent.

**RESPONDENTS' ANSWER
TO PETITIONER'S APPLICATION FOR ENFORCEMENT**

Respondents American Eagle Protective Services Corporation and Paragon Systems, Inc., pursuant to 29 U.S.C § 160(e) and Fed. R. App. P. 15(b)(2), files the below exceptions and answers the Application for Enforcement filed by Petitioner National Labor Relations Board ("NLRB") as follows:

Exceptions:

1. Respondents except to the NLRB's calculation of monetary compensation due to the "Affected Employees" as identified in the Compliance Specifications.

2. Respondents also except to complying with the NLRB's Decision and Order issued on July 27, 2018, in Board Case No. 05-CA-126739 as it would require Respondents to violate the governing Internal Revenue Service Code and the Employee Retirement Income Security Act, 29 U.S.C. §1001 et seq.

Answers and Denial:

1. Respondents admit the NLRB issued a Decision and Order on July 27, 2018, in Board Case No. 05-CA-126739, reported at 366 NLRB No. 144.

2. Respondents admit that the Board has filed an Application for Enforcement of an Order of the National Labor Relations Board with this Court seeking enforcement of said Order in full.

3. Respondents admit this Court has jurisdiction to hear both the Petition and the NLRB's Application for Enforcement, and that venue is proper.

4. Respondents deny the NLRB is entitled to enforcement of its Decision and Order because it is not supported by substantial evidence and is contrary to law. Respondents object to the findings and conclusions of the NLRB, and the relief granted, and Respondents assert that it did not violate Sections 8(a)(5) and (1) of the Act as found by the NLRB.

WHEREFORE, Respondents, American Eagle Protective Services Corporation and Paragon Systems, Inc., oppose the Application for Enforcement,

request that the Court set a briefing schedule and oral argument, and request that the Court reverse the Decision and Order of the National Labor Relations Board.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

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ATTORNEY FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system to be served on the following parties or their counsel of record through the appellate CM/ECF system:

David Habenstreit

Acting Deputy Associate General Counsel

Heather Stacy Beard

Amy Helen Ginn

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I also certify that the following persons were served this day with the foregoing by first-class mail:

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Certificate of Compliance with Length Limitations

I hereby certify that by the Word processing program used to create this document, the word number is 526 words.

/s/ Arthur G. Sapper

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